

HOUSE BILL 3866

By McDaniel

AN ACT to amend Chapter 402 of the Acts of 1901; as amended and rewritten by Chapter 131 of the Private Acts of 2004; as amended by Chapter 80 of the Private Acts of 2008 and Chapter 41 of the Private Acts of 2010; and any other acts amendatory thereto, relative to the charter of the City of Lexington.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 402 of the Acts of 1901; as amended and rewritten by Chapter 131 of the Private Acts of 2004; as amended by Chapter 80 of the Private Acts of 2008, and any other acts amendatory thereto, is amended by adding the following language as a new paragraph at the end of Section 13:

Department heads at the time of adoption of Chapter 80 of the Private Acts of 2008 who did not reside within the corporate limits are not required to reside within the corporate limits as long as they maintain their residence at the same location as the date of adoption of Chapter 80 of the Private Acts of 2008. If the department head moves from his or her residence on the date of the adoption of Chapter 80 of the Private Acts of 2008, the department head shall become a resident within the corporate limits.

SECTION 2. Chapter 402 of the Acts of 1901; as amended and rewritten by Chapter 131 of the Private Acts of 2004; as amended by Chapter 80 of the Private Acts of 2008 and Chapter 41 of the Private Acts of 2010, and any other acts amendatory thereto, is amended by deleting the language "and creation of the Lexington Electric Utility Board" at the beginning of Section 14.

SECTION 3. Chapter 402 of the Acts of 1901; as amended and rewritten by Chapter 131 of the Private Acts of 2004; as amended by Chapter 80 of the Private Acts of 2008 and Chapter 41 of the Private Acts of 2010, and any other acts amendatory thereto, is amended in

Section 14 (a)(9)(A) by deleting the language “electric utility board” and by substituting instead the language “board of mayor and aldermen”.

SECTION 4. Chapter 402 of the Acts of 1901; as amended and rewritten by Chapter 131 of the Private Acts of 2004; as amended by Chapter 80 of the Private Acts of 2008 and Chapter 41 of the Private Acts of 2010, and any other acts amendatory thereto, is amended by deleting subsections (b) and (c) of Section 14 in their entirety and by substituting instead the following:

(b) The mayor and seven (7) aldermen, of the city of Lexington, shall have and perform all the powers, duties and responsibilities for the control and supervision of the electric plant. The board members shall take office upon the adoption of this chapter, and said board shall meet and organize by electing a chairman and such other officers as may be necessary.

A general manager of the electric department shall be appointed by board of mayor and aldermen to serve as the chief executive officer of the electric department of the city of Lexington. This officer shall work under the immediate direction of the mayor and board aldermen and shall hold this position under the appointing mayor and board of aldermen and all subsequent mayors and boards of aldermen until removed from the office for cause or resignation. The general manager or his or her designees shall be responsible for implementing and enforcing the policies relevant to the administration and operation of the electric department, and other such duties as required by the mayor and the board of mayor and aldermen. The general manager must reside within the corporate city limits and shall take an oath to faithfully perform the duties of his office.

(c) The general manager shall prepare a budget estimate for the electric plant for inclusion in the general budget of the city of Lexington for submission to the board of mayor and aldermen as the budgets for other departments of the city of Lexington are submitted and processed.

SECTION 5. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the city of Lexington. Its approval or nonapproval shall be proclaimed by the presiding officer of the city of Lexington and certified to the secretary of state.

SECTION 6. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 5.